



EUROPEAN COMMISSION  
DIRECTORATE-GENERAL  
HUMAN RESOURCES AND SECURITY  
Director-General

Brussels, 28 09. 2017

Ms Margarida da Silva  
CEO  
Rue d'Edimbourg 26  
1050 Brussels  
By email: ask+request-4591-  
c8add055@asktheeu.org

**Subject: Your application for access to documents – Ref/GestDem No 2017/4842**

Dear Ms da Silva,

I refer to your e-mail dated 24 August 2017 and registered on 25 August 2017 by which you make a request for access to documents under the above mentioned reference number.

Your application concerns *"documents which relate to any article 16, article 12B and article 40 (staff regulations) applications made by Marcus Lippold, adviser of DG Energy."* In particular, you request *"a note of all Mr. Lippold job titles at the Commission including dates held; copies of any application(s) that he has made under article 12b, 16 and 40 to undertake a new professional activity; and all documents (correspondence, emails, meeting notes etc) related to the authorisation of the new role or roles."*

I have examined your request under the provisions of Regulation (EC) No 1049/2001 of the European Parliament and of the Council of 30 May 2001 regarding public access to European Parliament, Council and Commission documents.

No document relating to Article 16 of the Staff Regulations has been identified.

The documents identified are seven requests for authorisation of an outside activity during leave on personal grounds submitted by Mr Lippold in the framework of Article 40 of the Staff Regulations, read in the conjunction with Article 12b thereof. I have also identified correspondence within Commission services or between Commission services and Mr Lippold pertaining to the underlying internal procedures concerning these requests for authorisation.

The documents you requested contain personal data relating to the past and present occupational activities of Mr Lippold. It is the Commission's obligation to ensure that the privacy and the integrity of the EU staff member concerned, also in his professional capacity, are correctly protected. This is why I consider that the exception foreseen in Article 4(1)(b) of Regulation No 1049/2001 applies.

As for the correspondence between the Commission services and Mr Lippold, the second subparagraph of Article 4(3) of Regulation (EC) No 1049/2001 applies. Such exception is related to the protection of the Commission's decision-making process even after the decision of the Appointing Authority has been taken. In addition, in the absence of an overriding public interest, the exception to the right of access cannot be waived.

While I have also considered the possibility of granting partial access on the basis of Article 4(6) of Regulation (EC) N° 1049/2001, I have concluded that this would equally undermine the protection of personal data.

Against this background, I can nevertheless provide you with the following general information on the process to which your request relates.

Mr Lippold submitted the following requests to perform an outside activity while on leave on personal grounds:

1. a request to perform a remunerated activity as Vice President (VP) Corporate Affairs and Strategy for the MOL Group from 01 August 2013 to 29 November 2013, this request was withdrawn by Mr. Lippold;
2. a request to perform a remunerated activity as VP Corporate Affairs for the MOL Group from 01 August 2013 to 31 January 2014;
3. a request to perform a remunerated activity as VP Business Strategy and Corporate Affairs for the MOL Group from 1 February 2014 to 30 November 2014;
4. a request to perform a remunerated activity as VP Business Strategy and Corporate Affairs for the MOL Group from 1 December 2014 to 30 November 2015;
5. a request to perform a remunerated activity as Corporate Planning Manager for the Saudi Petroleum Overseas Ltd from 1 April 2015 to 31 March 2016;
6. a request to perform a remunerated activity as Corporate Planning Manager for the Saudi Petroleum Overseas Ltd from 1 April 2016 to 31 March 2017;
7. a request to perform a remunerated activity as Principal Representative for Europe+Russia for the Saudi Petroleum Overseas Ltd from 1 April 2017 to 31 March 2018.

Following the general rules concerning the consultation process for this type of requests, the Appointing Authority gave its approval to carry out these activities, under certain limited conditions aimed at preventing any potential conflict of interest, such as, for instance, the obligation for Mr Lippold to report on any existence of a possible conflict of interest related to his work in DG ENER. Mr Lippold was also reminded of the specific staff obligations as laid down in Articles 16, 17, 19 and 40 of the Staff Regulations.

Furthermore, I can provide you with some information on the job titles held by Mr Lippold:

- From 1/10/2011 to 31/7/2013, he was an International Relations Officer in DG Energy.
- From 17/2/2010 to 30/9/2011, he was an Economic Analyst in DG Energy.

I would like to remind you that Corporate Europe Observatory remains subject to the provisions implementing Directive 95/46/EC<sup>1</sup> on the protection of individuals with regard to the processing of personal data according to which personal data must, *inter alia*, be processed fairly and lawfully and subject to the unambiguous consent of the data subject concerned.

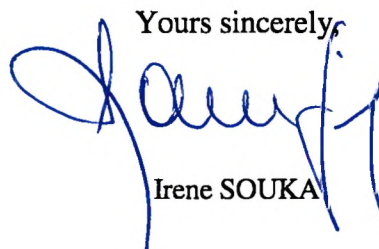
Please be informed that a copy of this letter will be sent to the person concerned.

In accordance with Article 7(2) of Regulation (EC) No 1049/2001, you are entitled to make a confirmatory application requesting the Commission to review this position.

Such a confirmatory application should be addressed within 15 working days upon receipt of this letter to the Secretary-General of the Commission at the following address:

European Commission  
Secretary-General  
Transparency unit SG-B-4  
BERL 5/327  
B-1049 Brussels

or by email to: [sg-acc-doc@ec.europa.eu](mailto:sg-acc-doc@ec.europa.eu)

Yours sincerely,  
  
Irene SOUKA

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<sup>1</sup> Directive 95/46/EC of the European Parliament and of the Council of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data